IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2683 OF 2007

Soona Mahal Co-operative Housing Society Ltd. & Anr. ...Petitioners

Versus

The Mumbai Municipal Corporation & Anr. ...Respondents

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Mr.Zuben Behram Kamdin i/b Wadia Ghandy & Co. for Petitioners.

Ms.Archana Joshi for Respondents.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 12, 2007.

P.C.

1. From the document at Exhibit G at page 52, which is letter sent by the Assistant Assessor and Collector (A Ward) dated 17th November 2007 addressed to the Petitioner Society, it is obvious that property tax amounting to Rs.12,26,717/- (Rupees Twelve Lakhs Twenty-six Thousand Seven Hundred Seventeen) for the period from 1st April 2006 to 31st March 2008 is outstanding and payable by the Petitioner Society. The Petitioner Society,

through Counsel, assures to pay the said amount within four weeks from today.

2. It is, however, placed on record that the Petitioner Society has decided to pay the said outstanding amount without prejudice to its rights to get the amount reimbursed from the respective member(s).

3. Besides, the Petitioner Society is willing to deposit the entire outstanding amount on clear understanding that henceforth the Corporation shall raise individual bills to the respective member(s). Indeed, the Corporation will be free to take recourse against the members, and if necessary, against the Society in relation to such future bills as and when occasion arises, which will be as per law, in particular, Section 209 A of the Act. The Corporation agrees to abide by this condition.

4. In the circumstances, no other issue survives for consideration in the present Petition. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.